

Message Text

PAGE 01 BERLIN 00870 191840 Z

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ACTION EUR-25

INFO OCT-01 ADP-00 CIAE-00 DODE-00 PM-09 H-02 INR-10 L-03

NSAE-00 NSC-10 PA-03 RSC-01 PRS-01 SS-15 USIA-12

AID-20 CEQ-02 COA-02 COME-00 EB-11 EPA-04 IO-12

NSF-04 SCI-06 ACDA-19 GAC-01 DOTE-00 RSR-01 /174 W
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P 191232 Z MAY 73

FM USMISSION BERLIN

TO AMEMBASSY BONN PRIORITY

INFO SECSTATE WASHDC PRIORITY 1833

AMEMBASSY LONDON

AMEMBASSY MOSCOW

AMEMBASSY PARIS

USMISSION NATO

C O N F I D E N T I A L 0870

E. O. 11652: GDS

TAGS: PFOR, PGOV, GW, GE, UR, WB

SUBJECT: WEST BERLIN IN PROPOSED SOVIET- FRG ENVIRONMENTAL TREATY

REF: BONN 7046

1. SUMMARY: SOVIET POSITION, PARA 5 REFTEL, THAT IT WOULD BE INAPPROPRIATE TO INCLUDE WEST BERLIN IN FRG- USSR ENVIRONMENTAL PROTECTION AGREEMENT BECAUSE GDR HAS RESPONSIBILITY FOR REICHSBAHN, S- BAHN AND WATERWAYS MATTERS IN WEST BERLIN AND FOUR POWERS HAVE RESPONSIBILITY FOR AIR TRAFFIC, IS MISSTATEMENT OF BERLIN SITUATION BUT CONSISTENT WITH SOVIET AND GDR EFFORTS TO ADVANCE THESIS THAT FRG HAS ONLY LIMITED COMPETENCE TO REPRESENT WEST BERLIN IN INTERNATIONAL NEGOTIATIONS. SENAT AND FRG HAVE ONLY THIS WEEK PARRIED NEW GDR PLOY IN THIS AREA. END SUMMARY.

2. REICHSBAHN AND GDR WATERWAYS AUTHORITIES
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PAGE 02 BERLIN 00870 191840 Z

HAVE STRICTLY OPERATIONAL RESPONSIBILITIES AND NO PROPRIETARY OR SOVEREIGN RIGHTS IN WEST BERLIN, CONTRARY TO POSITION SET FORTH BY SOVIETS IN TAKS WITH FRG (REFTEL). TERRITORY UNDER QUESTION

FALLS UNDER ULTIMATE POWERS OF ALLIES, AND GDR, AS SUCH, HAS NO RESPONSIBILITIES WHATEVER. LIMITED GDR INTEREST, THEREFORE, FALLS FAR SHORT OF CONCLUSION REACHED BY SOVIETS THAT EXTENSION OF PROPOSED ENVIRONMENTAL AGREEMENT TO WEST BERLIN WOULD BE CONTRARY TO LEGITIMATE GDR INTEREST.

3. WE WOULD THINK THAT PROPER POSITION WOULD BE THAT SUCH AN AGREEMENT MIGHT BE EXTENDED TO WEST BERLIN SUBJECT TO WHATEVER RESERVATIONS ALLIED KOMMANDATURA MIGHT CONSIDER APPROPRIATE UNDER CIRCUMSTANCES. SAME POINT WOULD BE VALID WITH RESPECT TO ANY ENVIRONMENTAL PROVISIONS TOUCHING UPON USE OF AIRSPACE, THOUGH LIKELIHOOD OF EXPRESS ALLIED RESERVATION ON THIS MATTER WOULD BE MUCH GREATER. IF UNDERTAKINGS ON ENVIRONMENTAL QUESTIONS REACHED BY FRG VIS- A- VIS SOVIETS SHOULD GO BEYOND FRG COMPETENCE IN GIVEN CASE, IT WOULD THEN BE FOR ALLIES, NOT SOVIETS, TO TAKE NECESSARY ACTION TO PROTECT RIGHTS AND RESPONSIBILITIES OF THREE POWERS IN WEST BERLIN. IF SUCH UNDERTAKINGS REQUIRED SOME FURTHER NEGOTIATION WITH ORGANIZATION SUCH AS REICHSBAHN THIS WOULD BE FOR SENAT TO DEAL WITH, UNDER SUPERVISION OF ALLIES. IF FRG- USSR ENVIRONMENT AGREEMENT TOUCHED UPON LEGITIMATE INTERESTS OF GDR, AS DISTINCT FROM AGENCY SUCH AS REICHSBAHN, FRG WOULD BE COMPETENT TO NEGOTIATE WITH GDR DIRECTLY AND TO REPRESENT WEST BERLIN INTERESTS AS ENVISAGED IN FRG- GDR BASIC TREATY. WE NOTE, HOWEVER, THAT ENVIRONMENTAL AGREEMENT WOULD APPEAR TO POSE MORE PRACTICAL QUESTIONS FROM BERLIN POINT OF VIEW THAN OTHER AGREEMENTS WHICH FRG HAS BEEN NEGOTIATING WITH USSR IN PREPARATION FOR BREZHNEV VISIT AND WOULD HOPE THAT WE WOULD BE GIVEN MORE TIME TO STUDY BERLIN- RELATED PROVISIONS THAN WAS CASE WITH CULTURAL AND ECONOMIC AGREEMENTS THAT WERE PASSED TO US FROM FRG, THROUGH SENAT, MAY 17 WITH REQUEST FOR VIEWS ON SAME DAY.

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PAGE 03 BERLIN 00870 191840 Z

4. SOVIET ARGUMENT WITH RESPECT TO ENVIRONMENTAL PROTECTION AGREEMENT APPEARS TO US PRIMARILY EFFORT TO SUPPORT JOINT SOVIET- GDR POSITION THAT WEST BERLIN FOREIGN RELATIONS SHOULD TO GREATEST EXTENT POSSIBLE BE CONDUCTED BY SENAT RATHER THAN BY FRG. WITH ENTRANCE INTO FORCE SOON OF BASIC TREATY, WE CAN EXPECT VARIOUS PLOYS DESIGNED TO DRAW SENAT INTO NEGOTIATIONS WITH GDR ON MATTERS THAT ARTICLE 7 AND SUPPLEMENTARY PROTOCOL TO BASIC TREATY ENVISAGE AS AREAS FOR TREATIES BETWEEN FRG AND GDR THAT MAY BE EXTENDED TO WEST BERLIN. FIRST SUCH PLOY IN ENVIRONMENT FIELD WAS ATTEMPTED LAST WEEK WHEN GDR DELIVERED INVITATION MAY 11 TO SENATOR FOR BUILDING AND HOUSING RIEBSCHLAEGER

TO ENTER INTO BILATERAL DISCUSSIONS WITH GDR MINISTRY
FOR ENVIRONMENTAL PROTECTION AND WATER CONSERVATION
MAY 18 ON WATER PROTECTION QUESTIONS.

5. SENAT BELIEF, WHICH WE SHARE, IS THAT GDR WISHES
TO START TALKS WITH SENAT AT THIS TIME SO THAT WHEN
ENVIRONMENT TALKS BETWEEN FRG AND GDR BEGIN UNDER
ARTICLE 7 OF BASIC TREATY, GDR WILL BE ABLE TO ARGUE
THAT FRG NEED NOT SEEK TO REPRESENT WEST BERLIN'S
INTERESTS ON THIS MATTER SINCE BILATERAL DISCUSSIONS
ALREADY UNDERWAY. AFTER HAVING CONSULTED WITH ALLIES
AND WITH FRG, WHICH STIFFENED LANGUAGE, SENAT WILL
TURN DOWN INVITATION THROUGH LETTER WHICH IT WILL SEND
TODAY FROM ONE OF RIEBSCHLAEGER'S ASSISTANTS. SENAT
RESPONSE WILL SAY THAT "AS YOU KNOW" FRG AND GDR HAVE
AGREED IN BASIC TREATY TO PROMOTE COOPERATION AND
CONCLUDE AGREEMENTS IN AREAS WITHIN SCOPE OF BASIC
TREATY AND THAT FRG AND GDR WERE IN ACCORD THAT SUCH
AGREEMENTS COULD BE EXTENDED TO BERLIN (WEST). LETTER
WILL EXPLAIN THAT" ACCORDINGLY I HAVE REFERRED YOUR
LETTER IN THE FIRST INSTANCE TO THE FRG" AND THAT
RIEBSCHLAEGER'S OFFICE WILL BE BACK IN TOUCH AFTER
FRG HAS EXPRESSED ITS VIEWS.

6. SENAT CONSIDERS THAT RESPONSE WILL MAKE POINT
TO GDR THAT IT WILL NOT BE ABLE TO SPLIT SENAT FROM
FRG BY OFFERING BILATERAL TALKS. FRG'S REVISIONS TO
ORIGINAL DRAFT OF LETTER SERVE IN PARTICULAR TO EMPHASIZE
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PAGE 04 BERLIN 00870 191840 Z

TIES BETWEEN WEST BERLIN AND FRG IN USEFUL MANNER AND
TO INDICATE THAT FRG WILL ASSERT RIGHT TO REPRESENT
WEST BERLIN VIS- A- VIS GDR. GDR GAMBIT IS IN OUR VIEW
FURTHER INDICATION THAT IT WILL BE USEFUL FOR ALLIES
TO ISSUE GENERAL BK/ L ON SENAT- GDR ARRANGEMENTS AFTER
GROSS ZIETHEN DUMP AGREEMENT IS CONCLUDED. (SENAT IS
STUDYING AND AWAITING FRG REACTION TO ALLIED DRAFT OF
ONE- SENTENCE BK/ L APPROVING GROSS ZIETHEN AGREEMENT).
SUCH A GENERAL BK/ L WOULD ASSIST SENAT IN KEEPING ITS
MORE ADVENTUROUS OFFICIALS IN LINE. IT SHOULD ALSO SERVE-
IF APPROPRIATE WORDING, PERHAPS LINKING IT TO FORTHCOMING
BK/ L APPROVING EXTENSION OF BASIC TREATY TO WEST
BERLIN, CAN BE FOUND, AS CONFIRMATION OF FACT THAT
ALLIES ENVISAGE SENAT TALKING TO GDR ONLY ON PURELY
LOCAL, TECHNICAL QUESTIONS AND NOT ON MORE GENERAL
MATTERS WHERE FRG HAS RESPONSIBILITY FOR REPRESENTING
WEST BERLIN. KLEIN

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